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[REDACTED]

**STATE OF WISCONSIN**  
**Division of Hearings and Appeals**

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

CCB/148336

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**PRELIMINARY RECITALS**

Pursuant to a petition filed March 26, 2013, under Wis. Admin. Code §HA 3.03(4), to review a decision by the Milwaukee Enrollment Services in regard to Child Care, a hearing was held on April 25, 2013, at Milwaukee, Wisconsin.

The issue for determination is whether the agency correctly terminated petitioner's Child Care benefits (CCB) effective March 1, 2013 for failing to verify.

There appeared at that time and place the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]

Respondent:

Department of Children and Families  
201 East Washington Avenue  
Madison, Wisconsin 53703

By: Nikitia Howse  
Milwaukee Enrollment Services  
1220 W Vliet St  
Milwaukee, WI 53205

**ADMINISTRATIVE LAW JUDGE:**

Kelly Cochrane  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.
2. On March 15, 2013 petitioner contacted the agency regarding a missed review for benefits. On that date the agency processed a new application for, in relevant part, CCB. See Exhibit 1.

3. On March 18, 2013 the agency issued a request for verification of proof of residence, employment at two employers (CleanPower and Murtha) and rent obligation. See Exhibit 2. The letter also requested that she sign her application for CCB. The information was due back to the agency by March 27, 2013.
4. The petitioner did not provide the requested information by the deadline.
5. On April 11, 2013 the agency issued a notice of decision to petitioner stating that her CCB was closed effective March 1, 2013 because she did not provide the requested verification. See Exhibit 3.

### **DISCUSSION**

Wis. Stat. §49.155 authorizes the Department of Children and Families to operate a child care subsidy for Wisconsin Works (W-2) recipients and working parents. The Department has a Child Care Policy Manual (Manual) that provides the specific policies for the program. See <http://dcf.wisconsin.gov/childcare/wishares/pdf/chapter1.pdf>. A parent is eligible for child care if it is necessary for him or her to work, attend school, or to attend W-2 activities. Wis. Stat., §49.155(1m)(a). In addition to such nonfinancial requirements, the child care subsidy also has financial requirements, which includes meeting the income limit guidelines.

The Wisconsin Works or County/Tribal Human Service agency may request any information that is necessary and appropriate in order to make a correct eligibility decision. See *Manual* §1.7.1. The eligibility determining agency must verify the level of income and residence. See *Manual* §1.7.2. The Wisconsin Shares child care assistance applicant has the primary responsibility for providing verification and resolving questionable information. See *Manual* §1.7.3. The applicant must be informed in writing of the verification items that are needed along with a due date. See *Manual* §1.7.4. The applicant has seven (7) business days from the date the verification request is made to submit the needed verification to the Wisconsin Works or County/Tribal Human services agency. If extenuating circumstances exist that make the verification requirements unduly burdensome, the Wisconsin Works or County/Tribal agencies may extend the verification due date to thirty (30) calendar days from the applicant filing date. See *Manual* §1.7.5. If the applicant is able to produce the information, but refuses or fails to do so, no eligibility shall exist. If the applicant fails or refuses to provide verification, the Wisconsin Shares child care assistance application may be denied or the case may be closed. No eligibility shall exist when an individual has the power to produce required verification, but refuses or fails to do so. See *Manual* §1.7.7.

In this case the agency followed the policy in terms of requesting the required income and residence information within 7 days. The petitioner failed to provide all of the requested information by the due date. Petitioner testified that she had some issues with her mail, but she agreed that she had received the request for verification. There was no explanation for failing to provide the requested verification therein. Given this, I must find that the agency met its burden to show that it correctly denied her CCB effective March 1, 2013. Petitioner was advised at hearing that she was able to reapply for CCB on that date, or as soon as possible, and request a backdate for the benefits.

### **CONCLUSIONS OF LAW**

The agency correctly terminated petitioner's Child Care benefits (CCB) effective March 1, 2013 for failing to verify.

**THEREFORE, it is**

**ORDERED**

The petition for review is hereby dismissed.

## REQUEST FOR A REHEARING

This is a final administrative decision. If you think this decision is based on a serious mistake in the facts or the law, you may request a rehearing. You may also ask for a rehearing if you have found new evidence which would change the decision. Your request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and tell why you did not have it at your first hearing. If you do not explain these things, your request will have to be denied.

To ask for a rehearing, send a written request to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875. Send a copy of your request to the other people named in this decision as "PARTIES IN INTEREST." Your request for a rehearing must be received no later than 20 days after the date of the decision. Late requests cannot be granted.

The process for asking for a rehearing is in Wis. Stat. § 227.49. A copy of the statutes can be found at your local library or courthouse.

## APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be served and filed with the appropriate court no more than 30 days after the date of this hearing decision (or 30 days after a denial of rehearing, if you ask for one).

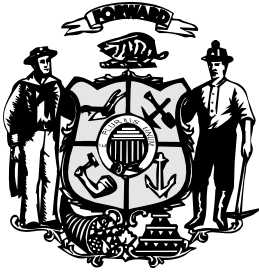
For purposes of appeal to circuit court, the Respondent in this matter is the Department of Children and Families. After filing the appeal with the appropriate court, it must be served on the Secretary of that Department, either personally or by certified mail. The address of the Department is: 201 East Washington Avenue, Madison, Wisconsin 53703. A copy should also be sent to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400.

The appeal must also be served on the other "PARTIES IN INTEREST" named in this decision. The process for appeals to the Circuit Court is in Wis. Stat. §§ 227.52 and 227.53.

Given under my hand at the City of Milwaukee,  
Wisconsin, this 3rd day of July, 2013

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\sKelly Cochrane  
Administrative Law Judge  
Division of Hearings and Appeals



**State of Wisconsin\DIVISION OF HEARINGS AND APPEALS**

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The preceding decision was sent to the following parties on July 3, 2013.

Milwaukee Enrollment Services  
Child Care Benefits